

**JAMAL L. SMITH, in his official capacity as
EXECUTIVE DIRECTOR of the
INDIANA CIVIL RIGHTS COMMISSION,
Complainant,**

v.

[REDACTED],
Respondents.

**NOTICE OF FINDING and
ISSUANCE OF CHARGE**

The Executive Director of the Indiana Civil Rights Commission ("Commission") pursuant to statutory authority and procedural regulations, hereby issues the following finding with respect to the above-referenced case. There is reasonable cause to believe an unlawful discriminatory housing practice has occurred. Therefore, the Executive Director hereby issues this Charge of Discrimination per 910 IAC 2-6-6(b).

On August 1, 2011, [REDACTED] ("Complainant") filed a complaint with the Commission against [REDACTED] ("Respondents") alleging unlawful discriminatory housing practice based on familial status, in violation of the Indiana Fair Housing Act (IC 22-9.5 et seq.), the Indiana Civil Rights Law (IC22-9 et. seq.) [REDACTED]. The Commission, therefore, has jurisdiction over the parties and subject matter of this complaint.

An investigation has been completed. All parties have been interviewed and have had an opportunity to submit evidence. Based on the Final Investigative Report and a full review of the relevant files and records, the Executive Director now finds the following:

The issue before the Commission is whether Respondent's occupancy standard results in exclusion of families with children and Complainant in particular. Complainant was denied the opportunity to rent once she informed Respondent that six people would be residing in the unit in question, four of which were children under the age of sixteen. Respondent and Complainant identify this unit as a three bedroom unit. Respondent concedes that this unit has normally been limited to no more than four or five tenants. Courts have held that unreasonable occupancy limits, while not explicitly discriminatory, may have an adverse impact on families with children, as these families may be forced to rent a larger and more expensive unit. Two persons per bedroom has been considered a reasonable occupancy limit; however, the size of the unit and local health and safety codes are also relevant. Based upon the above evidence,

reasonable cause exists to believe Respondents, [REDACTED], may have violated the state and federal Fair Housing Act.

As permitted by 910 IAC 2-6-6(h), any party to this complaint may elect to have the claims asserted in this charge decided in a state court, in lieu of an administrative proceeding under 910 IAC 2-7. Such an election must be made no later than twenty (20) days after service of this Notice of Finding and Charge. The notice of election must be filed with the Commission and served on the Executive Director, the Respondent and Complainant.

If such an election is not timely made, an administrative hearing of this matter will be held at a time and place determined by the Administrative Law Judge. Respondents shall have an opportunity to file an answer to this charge within thirty (30) days of service of this charge. [REDACTED] and any other person aggrieved by this alleged discriminatory practice may participate as a party in the administrative hearing by filing a request for intervention. All discovery in this matter must be completed fifteen (15) days prior to the date of hearing.

If at any time following service of this charge Respondents intend to enter into a contract, sale, encumbrance, or lease with any person regarding the property that is the subject of this charge, Respondents must provide a copy of this charge to the person prior to entering into such contract, sale, encumbrance or lease. 910 IAC 2-7-4(e)(3)

Date November 4, 2011

Jamal L Smith
Executive Director
Indiana Civil Rights Commission